

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUN 23 AM 10:52

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
**Luis Alfonso CASTRO** )  
**AKA: Luis Alfonso ARVISO-Castro** )  
)  
Defendant. )

Magistrate Case No.

CLERK, U.S. DISTRICT COURT

08 MJ 1931

COMPLAINT FOR VIOLATION OF

DEPUTY

Title 8, U.S.C., Section 1326

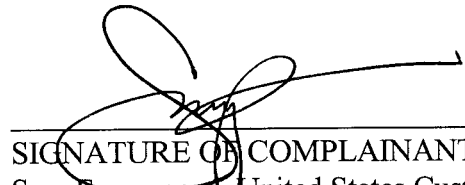
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **June 21, 2008**, within the Southern District of California, defendant **Luis Alfonso CASTRO AKA: Luis Alfonso ARVISO-Castro**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **23<sup>rd</sup>** day of **June, 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Sergio Barron, declare under penalty of perjury the following to be true and correct:

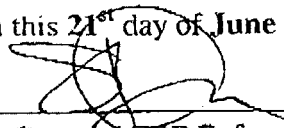
On June 21, 2008, at approximately 09:25 a.m., **Luis Alfonso-Castro aka: Luis Alfonso ARVISO-Castro (Defendant)** attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry pedestrian entrance. Upon inspection, Defendant told a Customs and Border Protection (CBP) officer he had lost his identification card and birth certificate in Mexico. Defendant told the CBP officer he was born in the United States and going to Orange County, California. The CBP officer referred Defendant to secondary for further inspection.

During secondary inspection, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously removed alien. Defendant's identity was verified using the Integrated Automated Fingerprint Identification System (IAFIS).

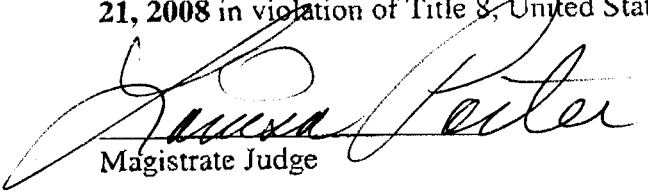
Further queries using the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico with no legal documents to enter the United States. DACS records indicate Defendant was deported from the United States by an immigration judge on or about October 01, 2003 and the deportation was reinstated in May 17, 2007. Immigration service records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is a citizen of Mexico with no legal rights to enter the United States. Defendant admitted he has been deported from the United States. Defendant admitted he has neither requested nor received permission to re-enter the United States. Defendant admitted he made a false claim to United States citizenship and told the first CBP officer he encountered he was going to Orange County, California.

Executed on this 21<sup>st</sup> day of June 2008 at 1600 hours.

  
Sergio Barron / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page(s), I find probable cause to believe that the defendant named therein committed the offense on **June 21, 2008** in violation of Title 8, United States Code, Section 1326.

  
Magistrate Judge

June 21, 2008, 9:30p.m.  
Date / Time